



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0845

Introduced 2/7/2007, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3

from Ch. 38, par. 9-3

Amends the Criminal Code of 1961. Provides that in cases involving reckless homicide resulting in the death of a peace officer, the penalty is a Class 1 (rather than a Class 3) felony.

LRB095 08430 RLC 28605 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 9-3 as follows:

6 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

7 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

8 (a) A person who unintentionally kills an individual
9 without lawful justification commits involuntary manslaughter
10 if his acts whether lawful or unlawful which cause the death
11 are such as are likely to cause death or great bodily harm to
12 some individual, and he performs them recklessly, except in
13 cases in which the cause of the death consists of the driving
14 of a motor vehicle or operating a snowmobile, all-terrain
15 vehicle, or watercraft, in which case the person commits
16 reckless homicide. A person commits reckless homicide if he or
17 she unintentionally kills an individual while driving a vehicle
18 and using an incline in a roadway, such as a railroad crossing,
19 bridge approach, or hill, to cause the vehicle to become
20 airborne.

21 (b) (Blank).

22 (c) (Blank).

23 (d) Sentence.

1 (1) Involuntary manslaughter is a Class 3 felony.

2 (2) Reckless homicide is a Class 3 felony.

3 (e) (Blank).

4 (e-5) (Blank).

5 (e-7) Except as otherwise provided in subsection (e-8), in
6 cases involving reckless homicide in which the defendant was
7 driving in a construction or maintenance zone, as defined in
8 Section 11-605 of the Illinois Vehicle Code, the penalty is a
9 Class 2 felony, for which a person, if sentenced to a term of
10 imprisonment, shall be sentenced to a term of not less than 3
11 years and not more than 14 years.

12 (e-8) In cases involving reckless homicide in which the
13 defendant was driving in a construction or maintenance zone, as
14 defined in Section 11-605 of the Illinois Vehicle Code, and
15 caused the deaths of 2 or more persons as part of a single
16 course of conduct, the penalty is a Class 2 felony, for which a
17 person, if sentenced to a term of imprisonment, shall be
18 sentenced to a term of not less than 6 years and not more than
19 28 years.

20 (e-9) In cases involving reckless homicide in which the
21 defendant drove a vehicle and used an incline in a roadway,
22 such as a railroad crossing, bridge approach, or hill, to cause
23 the vehicle to become airborne, and caused the deaths of 2 or
24 more persons as part of a single course of conduct, the penalty
25 is a Class 2 felony.

26 (e-10) In cases involving reckless homicide resulting in

1 the death of a peace officer, the penalty is a Class 1 felony.

2 (f) In cases involving involuntary manslaughter in which
3 the victim was a family or household member as defined in
4 paragraph (3) of Section 112A-3 of the Code of Criminal
5 Procedure of 1963, the penalty shall be a Class 2 felony, for
6 which a person if sentenced to a term of imprisonment, shall be
7 sentenced to a term of not less than 3 years and not more than
8 14 years.

9 (Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213,
10 eff. 7-18-03; 93-682, eff. 1-1-05.)